

# Individual Family Court Pilot Projects

## Detailed Discussion of Phase 1 Pilot Projects

### Johnson County Juvenile and Family Court Project

#### Basic Information

**Population:** 115,209

**County seat:** Franklin

**Judicial officers:** six

**Project implementation:** February 2000

**Family Court Judges:** Judge K. Mark Loyd and Magistrate Craig Lawson

**Family Court Personnel:** The project was implemented with the partial redesignation of the Court Administrator's duties and one full-time family court case manager/court reporter position. The Court Administrator's time commitments to family court has lessened, but she continues to have some administrative involvement.

**Contact person:** Donna Sipe, Court Administrator, 317-736-6813  
**dsipe@co.johnson.in.us**, or  
Family Court Case Manager/Reporter  
Allison McClain, 317-736-3009.

#### Funding

##### Family Court Project Funding:

**\$90,526** (\$44,785 per year for two years through 2001, plus \$956 one-time distribution)

**\$25,000** (\$12,500 per year for two years for 2002 through 2003)

##### County government

**\$15,883** (expenditure for family court case manager benefits through 2003)

#### Family Court Mission Statement

*The purpose of the Juvenile and Family Court is to effectuate maximum utilization of services to Johnson County families who are involved in particularly complex litigation or multiple, simultaneously pending litigation through coordination of pre-trial proceedings and service referrals.*

#### Family Court Model and Programming

Johnson County uses a *one family—one judge* model. The court accepts multiple cases involving the same family members and complex custody litigation. Also, beginning in 2003, all felony non-support cases are filed in the family court. Once a family is identified for the family court and determined eligible, the Case Manager sends a Notice of Family Court Eligibility to each court in which the cases are pending. The Notice contains the date and time for the first status hearing in the Juvenile and Family Court. Court staff use a word processing merge to create a standardized Transfer Order which transfers each case to the Project, vacates then existing court dates, and advises the parties of the date and time of the status hearing. The status hearing is scheduled within 10 days of assignment to family court, and the court designates a day per week for family court cases. The status hearing on all the family's litigation is held for the purpose of clarifying and/or settling issues in all the pending cases. Subsequent concurrent hearings are scheduled as needed. The *one family—one judge* model is designed to avoid inconsistent orders, reduce scheduling conflicts and duplicate hearings, expedite cases to closure, and coordinate service delivery. Upon request of

counsel and as determined appropriate, the Magistrate has included the family’s related criminal cases in the family court proceeding.

The Circuit Court Judge has also promoted cross-county case coordination. He encourages attorneys in adjacent Marion County to transfer their client’s family law or juvenile cases to Johnson County, when the subject child resides in Johnson County and there is related pending litigation in Johnson County. Out of county attorneys continue to be resistant to this approach.

The family court has addressed service delivery and non-adversarial dispute resolution. The family court coordinates with the local community service collaborative (ACT) to obtain counseling or other needed services for indigent families. Because Johnson County’s local rules have long required mediation in domestic relations cases, the family court was not initially focused on mediation programming. However, the family court is currently considering submitting an ADR Plan pursuant to IC 33-4-13 to provide mediation services to low income parties.

The family court has utilized the Magistrate as a "facilitator" for some complex family cases assigned to the Circuit Court judge. These informal conferences have often resulted in case resolution, but when no agreement can be reached the litigation remains under the family court umbrella and the trial is conducted by the Circuit Judge.

**Families Served in Johnson County**

Johnson County was selected as a family court project in February of 2000, and began accepting cases that spring. As of December 31, 2002, the Johnson County Juvenile and Family Court pilot project had served 123 families involving 321 cases.

**Monroe County Family Court Project**

**Basic Information**

- Population:** 120,563
- County seat:** Bloomington
- Judicial officers:** seven
- Project Implementation:** February 2000
- Family Court Judges:** Judge Viola Taliaferro and Judge Marc Kellams
- Family Court Personnel:** The project was implemented with a new, part-time family court coordinator position that was later increased to a full-time position with benefits.
- Contact person:** Colleen McPhearson, [ctcmcphe@co.monroe.in.us](mailto:ctcmcphe@co.monroe.in.us), 812-349-2094

**Funding**

**Family Court Project Funding**

- \$100,956** (\$50,000 per year for two years through 2001, plus one-time \$956 distribution)
- \$25,000** (\$12,500 per year for two years from 2002 through 2003)

**County government**

- \$44,000** (expenditure toward Family Court Coordinator salary through 2003)

## **Family Court Mission Statement**

*The Monroe County Family Court provides a forum for fair and prompt resolution of legal problems affecting families and children. The Family Court strives to transcend the traditional adjudicatory function and adversarial process and to look beyond the immediate crisis, fashioning remedies and orders designed to minimize future court involvement. The ultimate goal of the Court is the resolution of cases within a framework of due process, protection, and rational, efficient conflict resolution. This goal is one that benefits both families and the community as a whole. To accomplish its mission, the Family Court follows the one family—one judge model whenever possible, providing a more efficient system for both the family and the Court by reducing the number of hearings on related matters as well as the risk of inconsistent resolutions. Parties are encouraged or ordered to participate in counseling, self-help, mediation, and other government and community services as appropriate.*

## **Family Court Model and Programming**

The Monroe County pilot project uses different case coordination models in two divisions of the Circuit Court. Both models are administered by the family Court Coordinator.

Division 7 (which receives all the juvenile and probate filings by local rule) uses a *one family—one judge* model to transfer and bundle all, or most of the litigation involving the same family into its court. The family's related criminal cases are often transferred into this family court proceeding. However, sometimes the family's criminal cases and other minor civil cases are tracked for information purposes but not specifically transferred to Division 7, because these cases have progressed too far toward disposition in their court of origin or they are not significantly related to the family's overall stability and safety. Concurrent hearings are frequently held in Division 7 to avoid repeat hearings for multiple case families, and the court uses Family Court Rule 4 to take judicial notice of court orders in the family's multiple pending litigation.

Monroe County Division 2 uses a direct services case management model to provide needed intake interviews, service referral, case monitoring, and status hearings in complex custody cases with high-risk families. The Family Court Coordinator also conducts informal dispute resolution with parties and writes case reports as needed.

The project models used in Division 7 and 2 are both designed to expedite litigation, coordinate service delivery, monitor high-risk families, and avoid inconsistent court orders.

The family court project collaborated with Clinical Law Professor Amy Applegate at the Indiana University School of Law to create a paternity mediation program to help pro se families resolve custody and visitation issues outside of the courtroom. Professor Applegate and the family court coordinator supervise volunteer law students conducting the mediations, and conduct the more complex mediations themselves as needed. The mediation program also utilizes the pro bono services of local attorneys and members of the Community Conflict Resolution Project of Bloomington. In 2003 the mediation project was expanded to divorce custody disputes. Monroe County has filed an ADR Plan to increase filing fees to subsidize mediation services to low income parties.

## **Families Served in Monroe County**

Monroe County was selected as a family court project in February of 2000, and began to identify cases that summer. As of December 2002, Monroe County had accepted 76 families into its family court project involving 235 cases. An additional 38 cases involving family members (such as criminal, small claims, and evictions cases) were tracked for information sharing purposes, but were not transferred or specifically designated as family court cases.

# Porter County Family Court Project

## Basic Information

**Population:** 146,798  
**County Seat:** Valparaiso  
**Judicial officers:** nine  
**Project Implementation:** February 2002  
**Family Court Judge:** Judge Mary R. Harper  
**Family Court Personnel:** The project was implemented with the redesignation of an existing full-time juvenile coordinator position to a full-time family court coordinator position, and two, new part-time case manager positions. Staff has grown significantly, and the project was reorganized as a division of the probation department in 2003. Current staffing includes: one, full-time family court supervisor, one full-time case manager, and various full and part-time employees that staff the Community Access Center, truancy programming, family focused special probation, and office management. The project also contracts for local attorneys to serve as mediators for indigent families on an hourly basis.

**Contact person:** Alison Cox,  
[acox@porterco.org](mailto:acox@porterco.org), 219-465-3600.

## Funding

### Family Court Project

Funding through December 2003  
**\$110,556** (\$54,800 per year for two years through 2001, plus one-time \$956 distribution)  
**\$25,000** (\$12,500 per year for two years from 2002 through 2003)  
**Court Improvement Project** funding through 2003  
**\$109,449** (including separate grants for mediation and specialized services to at-risk, indigent families)

### Indiana Criminal Justice Institute

Funding through 2003  
**\$20,000** JAIBG (Juvenile Accountability Incentive Block Grant) 2001-2003  
**\$78,529** Juvenile Formula Block Grant  
Local Government funding through 2003

**\$87,158** Porter County General Fund  
**\$20,000** Probation User Fees for truancy/delinquency programming

Other revenue sources from 2000 through 2003 for specialized programming:  
Porter Starke Services/mental health .....\$98,957  
United Way .....\$39,900  
Discovery Alliance .....\$43,521  
Porter County Community Foundation ....\$4,000  
Anderson Foundation .....\$20,000

## Family Court Mission Statement

*The Porter County Family Court will provide case management services and coordinate delivery of human services for families and household members who have cases throughout the judicial system. This approach will bridge the current gap between the fields of adult and juvenile justice. Service providers in the fields of family law, child welfare, education and mental health will be utilized. The comprehensive approach will gather and collect information on families appearing in front of the court under pertinent family law and juvenile cases. This "full service court" process will be coordinated in order to promote judicial consistency and to best serve the needs of Porter County's families and children.*

## Family Court Model and Programming

Porter County uses the *information sharing between multiple courts* model, generally referred to as *case tracking* or *one family-one case manager*. The family court supervisor identifies eligible families from reviewing a variety of information sources, including attorney appearance forms forwarded from the clerk, domestic violence reports and child abuse and neglect reports. The supervisor also receives referral forms or informal requests from judges, court staff, CASAs, attorneys and others.  
Any family with multiple cases pending in the court system is eligible for the family court. When a family is selected for family court all of the family's pending litigation is included in the family court proceeding, including criminal matters significant to the family. An order is issued assigning the cases to family court, but the cases all remain in their original courts.

The family court case manager prepares a written



"case management" report that provides basic information about the pending multiple litigation for all the judges, attorneys, parties, and appropriate government agencies or service providers involved with the family. The case management report advises the courts and all appropriate persons of the legal issues impacting the family, ensures more informed decision making regarding safety and stability issues for the children, and helps coordinate needed services for families. The information sharing between all the courts and parties avoids conflicting hearing dates and inconsistent court orders for family members.

Porter County has also developed subsidized mediation services in divorce custody and visitation cases, and a "paternity clinic" that uses Valparaiso Law students to provide mediation services in paternity custody cases. Porter County filed an ADR Plan to increase filing fees to subsidize mediation services to low income parties in divorce and paternity cases, and is finalizing plans on a facilitation program in child protection cases for 2004.

The Porter County family court also provides a variety of special services for at-risk and high-risk families. It implemented a Service Access Center in 2002 to help refer families to services as ordered by the court, provide mini-assessments on family needs, and provide varied levels of direct services case management to at-risk families not otherwise receiving needed services. The direct services may

include home visits and coordination between the family's multiple service providers. The pre-existing "Project Attend" program was brought under the family court umbrella in 2003. This programming provides specialized services to the families of children with truancy and other school problems. A Special Services Probation Officer focuses on families in which both parents and children are on probation, and/or families with young children at-risk for becoming delinquent.

The 2003 reorganization of the family court project within the probation department creates an innovative approach to service delivery for the Porter County courts. Prevention and case management services are now accessible through the probation department for all case types, and probation services have an increasing "family focus."

### **Families Served in Porter County**

Porter County was selected as a family court project in February of 2000 and began accepting cases early that summer. As of December 2002, the Porter County Family Court Project has served 128 families involving 488 cases in the "case tracking" program. As of October 2002, the divorce mediation program has served 34 families and the paternity mediation program has served 50 families. Since it began operation in January of 2002, the Community Access Center has been contacted by 207 families for service referral, and 33 families have been designated or referred for more intense services.

# Detailed Discussion of Phase 2 Family Court Pilot Projects

## Putnam-Owen Multiple County Family Court Project

### Basic Information on Putnam County

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**Population:** 36,019

**County Seat:** Greencastle

**Judicial Officers:** 2

**Project Implementation:** July 2000

**Putnam County Project Judge:**

Judge Diana LaViolette

**Putnam Family Court Personnel:** The project was implemented with a new, part-time project administrator position (appx. 10 hours per week). This position was split into two, part-time co-administrators in 2003 without increasing the total weekly hours. The project also contracts with local attorneys on an hourly basis for facilitation (like mediation) services.

**Contact person:** Co-Administrators Monica Fennell at [mfennell@ccrtc.com](mailto:mfennell@ccrtc.com), 765-655-1973, and Laura Paul at [Laurapaul1@verizon.net](mailto:Laurapaul1@verizon.net)

### Funding for Putnam County

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#### Family Court Project Funding

**\$9,000** (designated solely for Putnam County in 2003)

#### Court Improvement Project Funding

**\$37,200** for period of July 2000 through October 2001

**\$37,000** available October 2001 through 2002

**\$12,000** available 2002 through 2003

#### Putnam County Office of Family and Children

**\$10,000** for facilitations in CHINS and high-risk custody disputes

#### Putnam County Community Foundation

**\$12,000** through 2003

### Basic Information on Owen County

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**Population:** 21,786

**County Seat:** Spencer

**Judicial Officers:** 2

**Project Implementation:** January 2002

**Owen County Project Judge:** Judge Frank Nardi

**Owen County Family Court Personnel:** The project was implemented with a new, part-time project administrator position (approx. 10 hours per week). The project also contracts with local attorneys on an hourly basis for facilitation (like mediation) services.

**Contact person:** Christine Haseman at [Hasemanc@yahoo.com](mailto:Hasemanc@yahoo.com), 1-812-336-4482

### Funding for Owen County through 2003

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#### Family Court Project Funding

**\$11,000** (designated solely for Owen County in 2002 and 2003)

#### Owen County Office of Family and Children

**\$10,000** for facilitations in CHINS and high-risk custody disputes

## Family Court Mission Statement

*(A) To provide an alternative to adversarial conflict resolution in the courtroom, and the inevitable escalation of hostility.*

*(B) To give all parties to the facilitation the opportunity to be heard, to hear each other's point-of-view in a positive and problem-solving environment, and to work together to reach an agreed-on resolution regarding the family matters involved. All facilitated agreements are voluntary and consensual. No one is forced to accept a proposed agreement.*

*(C) To allow an opportunity for balancing power among the litigants by providing a forum where all can contribute to an agreed settlement. Even if no final resolution can be reached, the facilitator can work with the parties to streamline the issues and stipulate to the matters that are not in conflict.*

*(D) To achieve more efficiency for the court staff and to make better use of court time, by, for example, reducing the number of repeated hearings in the same case. It will also expedite cases by bringing the parties together faster than the court could set a hearing.*

*(E) To provide protection and some guidance for those who are indigent and cannot afford the assistance of counsel, and also to assist retained counsel who cannot be fully compensated for their services.*

*(F) To decrease the trauma to the children involved.*

*(G) To provide a method of increasing the amount of information available at critical decision-making time points and encouraging a wide range of professionals to participate.*

*(H) To bring all relevant parties together at one time, thus allowing the sharing of information, opinions, and ideas that can resolve disputes, clarify issues, narrow differences, or reveal that no dispute actually exists.*

## Family Court Model and Programming for both Putnam and Owen Counties

The Putnam County Project began in 2000 with a grant from the Court Improvement Project (CIP), but it was not officially designated a family court project until it was selected in 2002 as the Putnam-Owen Multiple County Family Court Project. The Owen project was created by duplicating the Putnam County process, policies, and forms, modified to meet the specific needs of Owen

County. The Putnam County Family Court Administrator trained the Owen County Family Court Administrator, and provides ongoing input in project development. Owen County initially used the local attorney facilitators who helped develop the Putnam project in order to ensure some standardization between the projects and avoid "reinventing the wheel." However, Owen County is developing its own local facilitators and may explore the use of non-attorney facilitators. Putnam and Owen Counties maintain their funding separately and have separate family court personnel. The \$20,000 Family Court Project grant awarded to the joint project for 2002 and 2003 was apportioned by the Division of State Court Administration directly to each county depending upon its needs.

The pilot project model utilized in both Putnam and Owen Counties is affordable, non-adversarial dispute resolution referred to as "facilitation." Facilitation is used in CHINS and termination of parental rights cases, pro se divorces and paternity cases, and other appropriate litigation involving families. Putnam County has also facilitated the CHINS and related criminal cases involving the same child victim. The project model avoids unnecessary court hearings and helps families participate in their own case resolutions. The project is particularly geared to families without legal counsel.

The process is implemented when the part-time Project Administrator in each county receives referrals from the court or parties, conducts an intake meeting with the parties, researches court databases to identify if family members have other pending litigation to be addressed or joined in the facilitation, and arranges for one of the family law trained mediators to serve as a neutral in conducting a facilitation meeting. In CHINS cases or complex custody disputes, the facilitation meeting may also include the Office of Family and Children, child advocates, and service providers. These more complex facilitation meetings may have the additional goal of encouraging full disclosure between the parents and service providers on issues affecting child safety and permanency.

The facilitator's pre-set hourly rate of \$100 is paid from grant funds, but the family court issues orders for cost reimbursement upon the agreement of parties who are financially able to contribute. Pursuant to new legislation, Putnam County filed an ADR Plan in 2003 to increase filing fees to subsidize mediation services to low income parties in divorce and paternity cases.

The Putnam County family court project has some additional programming. It developed a "Pro Se Desk" where attorney volunteers answer basic legal questions and assist indigent or pro se parties to obtain necessary court pleading forms. It provides a resource room where persons can get information on available services. The Putnam County project has also initiated a pre-hearing intake program in protective order cases. The intake meeting assists pro se parents who are seeking child support or visitation orders as part of the protective order process, but have not yet filed a divorce or paternity proceeding.

#### **Families Served in Putnam County**

The Putnam County project was initiated in July 2000. As of December 2002, Putnam County has offered facilitation services to 102 families involving 125 cases, although not all cases have proceeded to a facilitation meeting. Data is not yet available on families served in the newly implemented protective order intake program or Pro Se Desk program.

#### **Families Served in Owen County**

Owen County accepted its first case in the fall of 2002. As of December 2002, the Owen County project had received six referrals, and conducted four facilitations.

## **Boone-Montgomery Multiple County Family Court Project**

### **Basic Information on Boone County**

**Population:** 46,107

**County Seat:** Lebanon

**Number of judicial officers:** 3

**Project Implementation:** January 2002

**Boone County Project Judge:** Judge Steve David

**Family Court Personnel:** The project was implemented with a new, part-time family court administrator position (25 hours per week) that serves both counties.

**Contact person for both counties:**

Rita Lindsey-Bowman, [rlbowman@mail.com](mailto:rlbowman@mail.com), 317-752-5169

### **Basic Information on Montgomery County**

**Population:** 37,629

**County Seat:** Crawfordsville

**Number of judicial officers:** 3

**Montgomery County Project Judge:**

Judge Thomas Milligan

**Contact Person:** same as for Boone County

### **Combined Funding for Boone & Montgomery**

**Family Court Project Funding to cover both counties**

**\$30,000** per year, for two year period from January 2002 through December 2003

All the grant funds are deposited in Boone County and all expenses are paid from that account. The counties share the same part-time personnel. She works a portion of each week in each county.



## **Family Court Mission Statement**

*The mission of the Boone-Montgomery County Family Court Project is to identify multiple case families in each county. The Family Court Project operates within the framework of due process, protection, efficient conflict resolution, implementation of remedies (i.e. counseling, self-help, Mediation/Facilitation and other government and community services as appropriate), and orders designed to provide a more efficient system for both the family and the Court. The one family-one judge model will result in a reduction in the number of hearings on related matters as well as the risk of inconsistent resolutions for families involved in multiple court cases, particularly CHINS, paternity, and delinquency cases.*

## **Family Court Model and Programming**

Boone and Montgomery Counties primarily use the *one judge-one family* model. In each separate county, the Family Court Administrator is given referrals on multiple case families from the judiciary, Office of Family and Children case managers, CASAs, attorneys, and others. The Administrator researches the court records on each of the referred families and prepares a written recommendation to the involved judges for one or more of the following options: case bundling and transfer; combined status conferences; or information sharing. The judges accept or reject the recommendations, and necessary orders and case transfers are initiated to open a family court proceeding. Once a family is assigned to family court, the Project Administrator tracks that family to update its status in the multiple proceedings and to notify the court if new cases are filed. As she is able, the Court Administrator conducts record searches on the juvenile cases scheduled on the judge's calendar for the upcoming week. These weekly checks are conducted to alert the judge if a

child or his family has other related cases, and to determine if these cases should be bundled for family court processing. Both counties are very positive about the efficiencies of *bundling* related cases before the same judge, and Judge Milligan is particularly interested in avoiding duplication of services by Probation and the Office of Family and Children when a family has dual criminal and CHINS litigation.

One unique aspect of this project is the combined status conferences in CHINS and criminal cases involving the same incident of child abuse or neglect. Boone County conducts the combined status conferences to determine if there are any conflicting protective or treatment orders in the two cases, and to clarify the time lines for both litigations to avoid unnecessary delays for the child.

Boone and Montgomery Counties are both planning to develop affordable, non-adversarial dispute resolution in the coming year. The Family Court Administrator has completed family law mediation training and may provide some of the mediation services as part of her family court responsibilities. Both counties plan to file an ADR Plan to increase filing fees to subsidize mediation services to low income parties in divorce and paternity cases. Boone County also uses the Family Court Administrator to work with juvenile families to obtain documentation necessary to IV-E reimbursement of residential costs.

## **Families Served in Boone and Montgomery Counties**

The joint pilot project was implemented in January 2002. Through December 2002, Boone County has served 26 families in 69 cases, and Montgomery County has served 12 families in 59 cases.

# LaPorte County Family Court Project

## Basic Information

**Population:** 110,106

**County Seat:** LaPorte

**Judicial Officers:** 7

**Project Implementation:** January 2002

**Project Judge:** Judge Robert Gilmore, Jr

**Family Court personnel:** To implement the family court project, the full-time Director of Juvenile Court Services position was partially redesignated to create a Family Court Coordinator position. The Circuit Court also redesignated a portion of another employee's time each week to conduct family court record searches. The Project hired a new, part-time Family Court Case Manager position at \$15,000 per year.

**Contact Person:** Krista MacLennan,  
[kmaclennan@laportecounty.org](mailto:kmaclennan@laportecounty.org), 219-326-6808

## Funding

### Family Court Project Funding:

**\$32,500** per year, for two year period from January 2002 through December 2003

### Court Improvement Project Funding:

**\$19,900**

### Family Court Mission Statement

*The mission of the LaPorte Family Court is to improve the lives of children and families throughout LaPorte County. The improvement will be obtained by the courts' use of coordinated information allowing for consistent court orders, the involvement of appropriate services, and more family involvement in the ultimate resolution of matters pertaining to children.*

## Family Court Model and Programming

LaPorte County uses the *information sharing between multiple courts* model which it refers to as *case tracking*. The family's multiple cases may include all types of civil or criminal cases, but at least one of the multiple cases must involve a child related issue.

Upon receipt of a referral to family court, the case manager researches the court records to determine the status of the family's multiple cases and then makes a recommendation as to whether family court processing is needed. When the judge accepts a recommendation for family court, an order is issued assigning the cases to family court. Notice of the assignment and the list of case numbers are sent to the parties and to all the courts involved in the family's multiple cases. The cases all remain in their original courts. Each month a report is generated that reflects the basic information about the cases pending in the judicial system for family court families. Each judge receives a copy of this report with his/her cases highlighted.

Approximately one week before a hearing is to take place involving a family court family, the judge receives a copy of a family court case management report, which contains a detailed description of the matters pending related to all of the family members. If the judge elects to review this document, the judge makes copies of the report and submits them to the parties. Copies of the significant orders in each of the family's multiple case are archived into a family court database. This gives the judges and parties easy access to the family's multiple court orders for purposes of taking judicial notice in appropriate situations.

Initially, the multiple case families were identified from the CHINS case load and the Juvenile Magistrate and Circuit Court Judge were the primary users of the case coordination programming. However, the monthly family court reports and case management reports have gained significant acceptance and now all eight judicial officers utilize some aspect of these reports. The reports are being increasingly used in child custody cases, criminal sentencing, and additional juvenile matters. The School Judge utilizes the reports to gain an increased understanding of the family's litigation history and prior service delivery.

The LaPorte pilot project developed a "Judicial Assistance" program to help judicial officers link families to necessary services. This is particularly helpful in custody cases involving indigent, at-risk

families who are not otherwise eligible for services through the Office of Family and Children or other service providers. This program may include case monitoring and expedited hearings to ensure order compliance.

The pilot project also developed non-adversarial dispute resolution programming referred to as "facilitation." The family court coordinator serves as a neutral to conduct the facilitation meeting one hour prior to the scheduled CHINS Initial Hearing. The process is designed to give family members more input into the plans and services affecting their family. Parties, attorneys, case managers, service providers, CASAs, extended family members and close friends, and occasionally the child him/herself, participate in the discussion. It is less formal than a courtroom setting and the family members are empowered to "speak up" to tell the case managers and service providers what is really going on with their family. The facilitation process is also used at the permanency planning stage of the CHINS case. The permanency planning meeting is held at the Office of Family and Children several days prior to the scheduled Permanency Hearing. This non-adversarial process has enabled the court to streamline the Permanency Hearing because the facilitation nearly always results in an agreed permanency plan and the parties are able to file the necessary guardianship, change of custody or other documents necessary to implement the permanency plan prior to the Permanency Hearing.

### **Families Served in LaPorte County**

The LaPorte Project was implemented January 2002. As of December 2002 LaPorte has served 42 families involving 249 cases, and conducted 75 facilitation meetings in CHINS cases.

## **Marion County Family Court Project**

### **Basic Information**

**Population:** 860,454

**County Seat:** Indianapolis

**Judicial Officers:** 65

**Project Implementation:** January 2002.

**Project Judges:** Judge Robyn Moberly,  
Judge Scherry "S.K" Reid,  
Judge James W. Payne, Magistrate Caryl Dill,  
Master Commissioner Victoria Ransberger

**Family Court Personnel:** The project was implemented with one, full-time Family Court Project Coordinator position.

**Contact person:** Janiece Hinkle,  
**JHinkle@indygov.org**, 317-327-4158

### **Funding**

#### **Family Court Project Funding**

**\$45,000** per year, for two years from  
January 2002-December 2003

#### **Criminal Justice Institute**

**\$7,000** for 2002 (grant in coordination  
with Child Advocates, Inc.)

### **Family Court Mission Statement**

*The mission of the Marion County Family Court Project is to provide a comprehensive and coordinated process to handle multiple conflicts and justiciable issues involving a single family by providing coordination and continuity of services, thus maximizing family stability and judicial economy.*

### **Family Court Model and Programming**

The Marion County Family Court Project is designed to coordinate the litigation of families with multiple cases utilizing the *information sharing between multiple courts* model. Families are referred to the Family Court Project Coordinator for admission. When a family is selected, an order

assigning the family's cases to the family court is issued by the Lead family court judge. All the judicial officers involved with the family receive basic information about the family's pending litigation through a written "case coordination form." Attorneys, pro se parties, GAL/CASAs, and other necessary persons also received the case coordination form. The form lists the cause numbers, parties, hearing dates, issues, and significant orders in all of the family's pending litigation. As each case proceeds through litigation, the case coordination form is periodically updated and distributed to those listed above. As a general rule, the family's various cases remain in their courts of origin. All the courts and parties share information about the multiple cases through the case coordination form and the use of Family Court Rule 4 to take judicial notice of court orders from the family's other cases. This process enhances decision-making, avoids conflicting or redundant orders for the parties, and avoids scheduling conflicts.

Marion County also uses the *one family—one judge* model, which it refers to as *case bundling*. This generally occurs when a child is the subject of a CHINS case in juvenile court, and is also the subject of a dissolution or paternity case (or ongoing custody order) in another court. When a family is recommended for *case bundling*, the Lead family court judge issues an order assigning the multiple cases to *case bundling*. The parties are given notice that they have 10 days to object to the assignment to *case bundling*. Marion County implemented local rule 76.2 to expedite the transfer of all the related cases into the same court. Once the cases are transferred, the judge may conduct a joint status hearing or pre-trial conference on all the pending cases, and/or may set concurrent hearings when appropriate. The judge will maintain each case as a separate cause number with separate orders and separate records. The applicable standards of proof, rules of evidence and other due

process issues are complied with for each case type. When the litigation of all the cases is complete, the judge transfers the continuing jurisdiction cases (i.e. custody and guardianship) back to their courts of origin and the family court proceeding is closed. This process is designed to expedite cases, facilitate coordinated orders, and allow concurrent hearings in the family's multiple cases.

A subcommittee of the Marion County Advisory Board has laid the ground work for a Services Referral program. The planned Service Referral program will enable the civil judicial officers to invite or order parties to go to the Service Referral program to have orders explained or clarified, and to receive assistance in setting appointments for court ordered services. The personnel will give notification to the court and parties whether court ordered services have been obtained and will complete other requested monitoring. Lack of funding has prevented current implementation, but one potential option is to establish an internship with the Indiana University School of Social Work in the spring of 2004 to implement the programming.

Marion County is also developing mediation services for low income families in custody cases. The pilot project's ADR subcommittee and the Family Court Judges and Coordinator have developed a Modest Means Mediation program. The program will use volunteer attorneys to provide mediation services at low or no cost, based upon income. The program is developing appropriate procedures for mediation with pro se parties. Marion County has filed an ADR Plan pursuant to new legislation to increase filing fees to subsidize mediation services for low income parties in divorce and paternity cases.

#### **Families Served in Marion County**

The Marion pilot project accepted its first cases in June of 2002. As of December 2002, the project has provided services to 51 families involving 202 cases.